

Mt Comfort Commercial Park Sec 4
(Lot 41-51) (Lots 42-43-44-45-46 6% D - Pub)

ORDINANCE NO. 2006-8A

AN ORDINANCE AMENDING THE HANCOCK COUNTY, INDIANA
ZONING ORDINANCE

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 156,
OF THE HANCOCK COUNTY CODE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA, THAT:

SECTION I

Section 156.020 Zoning Map of Title XV, Chapter 156 of the Hancock County Code, is amended as follows:

The Zoning Map referred to in Section 156.020 for Buck Creek Township is hereby amended by reclassifying the following described area from "I-1" Industrial District (Light) District to "PD-M" Planned Development-Mixed District:

(See attached legal description which is incorporated herein as "Exhibit A")

WHEREAS, the Hancock County Plan Commission has conducted a public hearing as required by law in regard to the application for a PD-M zoning designation filed by Precedent Commercial Development, LLC (the "Developer"); and

WHEREAS, the Plan Commission has sent its recommendation to the Hancock County Commissioners.

NOW, THEREFORE, BE IT ORDAINED by the Hancock County Commissioners, meeting in regular session, that the text of the Hancock County Zoning Ordinance and the Official Zoning Map are hereby amended as follows:

1. Zoning. The real estate more particularly described in the attached "Exhibit A" (the "Real Estate") is hereby rezoned to the PD-M designation. The standards set forth in this Ordinance shall govern the development of the Real Estate, and these standards, except as otherwise stated herein, shall replace all other standards set forth in the Hancock County Code and elsewhere.

2. Permitted Uses. Except as stated herein, the Permitted Uses for the Real Estate shall be the Permitted Uses in the I-1, B-1, B-2, and B-3 Districts of the Hancock County Zoning Ordinance. However, the following uses shall be prohibited: single family dwellings, two-family dwellings and multi-family dwellings, confined feeding, new and used automobile sales, service, or repair, private clubs, outdoor advertising signs, public swimming pools, animal kennels, farm implement sales and service, slaughterhouses, massage parlors and all adult entertainment uses.

3. Special Exceptions: Uses that are permitted as Special Exceptions by the Hancock County Zoning Ordinance for the I-1, B-1, B-2, and B-3 Districts shall be Special Exceptions for the PD-M District unless otherwise prohibited by this Ordinance. The Hancock County Board of Zoning Appeals shall have the power to authorize Special Exceptions as regulated by the Hancock County Zoning Ordinance.

4. Building and Architectural Design Requirements:

(a) The Real Estate shall conform to Section 156.158(A) and (B) of the Highway Corridor Overlay District of the Hancock County Zoning Ordinance as stated below:

(i) §156.158 BUILDING DESIGN STANDARDS.

(A) General Standards.

(1) All structures will be evaluated on the overall appearance of the project and shall be based on the quality of its design and its relationship to the surrounding area.

(2) The quality of design goes beyond the materials of construction to include scale, mass, color, proportion, and compatibility with adjoining developments.

(3) Colors shall be harmonious and only the use of compatible accents shall be permitted.

(4) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

(5) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

(6) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and sitting shall be used to provide visual interest. In multiple building projects, variable sitting or individual buildings may be used to prevent a monotonous appearance.

(B) Architectural design requirements.

(1) Exterior metal walls shall be prohibited on all buildings erected, constructed, altered, repaired or used in this overlay zone which abut or are adjacent to US 40, US 52, US 36, and CR600W. Exceptions to this requirement may be permitted on a case by case basis by the County Area Plan Commission or its duly appointed or designated representative.

(2) Building facades may be constructed from masonry or glass, as in §156.156, or other materials or products which provide the same desired stability and quality. Products other than those listed below must be approved by the County Area Plan Commission or its duly appointed or designated representative.

(a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

(b) Brick material used for masonry construction shall be composed of hard fired all-weather standard size brick or other all-weather facing brick.

(c) Concrete finish or precast concrete panel or tile wall construction shall be exposed aggregate, bush-hammered, sand blasted, or other concrete finish as approved by the County Area Plan Commission or its duly appointed or designated representative.

(3) The materials and finishes of exposed roofs shall compliment those used for the exterior glass walls. Exposed roofs shall be defined as that portion of a roof visible from 5' above ground level of a corridor road.

(4) Roof-mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

- (5) All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned or used area shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance.
- (6) The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.
- (7) Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view from public ways.
- (8) All accessory buildings shall be constructed with materials that are similar and compatible with materials used in the principal structure.
- (ii) The Real Estate shall also conform to the Primary Plat, the Preliminary Development Plan, and the Landscape Plan approved by the Plan Commission, and which are incorporated herein by reference.
- (iii) Additional requirements are as follows:
- (x) Dumpsters. Dumpsters shall not be located in front of any building. All dumpsters shall be completely screened by materials which are compatible with the architecture of the surrounding buildings. The dumpster screening must measure six (6) feet in height or 2 feet above the height of the dumpster which ever is greater.
- (y) Building Height. Buildings are restricted to 35 feet maximum height or a maximum of two stories (Pitched roofs are measured at the mid-point.).

6. Signage. Signage requirements shall be as follows:
- a) The entry sign is shown on "Exhibit B";
 - b) Office/Flex Sign Criteria is shown on "Exhibit C";
 - c) Retail Sign Criteria is shown on "Exhibit D";
 - d) The locations of the three (3) sign easements are shown on the plat attached as "Exhibit E"; and
 - e) The interior ground signs shall be similar to the sign shown on "Exhibit F".

7. Landscaping. Minimum landscaping requirements shall be as shown on the Landscape Plan approved by Hancock County Area Plan Commission. Additional landscaping for each building shall conform to the Highway Corridor Overlay Zone regulations which shall be reviewed and approved by the Zoning Administrator at the time a building permit is requested.

8. Street Width. Streets shall be as shown on the Plat, dedicated to Hancock County, Indiana, and shall be constructed to the specifications of Hancock, Indiana.
9. Open Space. The project shall include open space as shown on the Preliminary Development Plan approved at the time of the adoption of this Ordinance and shall contain a minimum of 25% of the Real Estate.
10. Parking. Parking shall be as shown in the Development Plan. If Developer is desirous of any increase in said parking, such increase shall be subject to the approval of the Hancock County Area Planning Commission.
11. Lighting. Lighting shall be in conformance with "Exhibit G" Item 1 which is attached hereto the Lighting Plan approved by the Hancock County Area Plan Commission.

This Ordinance shall be in full force and effect from and after its passage by the Hancock County Commissioners.

SECTION II

This Ordinance shall take effect upon its passage, as provided by law.

ADOPTED THIS 7th DAY OF AUGUST, 2006.

BOARD OF COMMISSIONERS OF
HANCOCK COUNTY, INDIANA:


Armin B. Apple


Jack Heiden

Brian Kleiman

ATTEST:


Vicki L. Saunders,
Hancock County Auditor
Petitioner, Precedent Commercial Development, LLC

EXHIBIT A

LAND DESCRIPTION

A part of the Southeast Quarter of Section 12, Township 16 North, Range 5 East in Buck Creek Township, Hancock County, Indiana and more particularly described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 12; thence North 00 degrees 00 minutes 00 seconds East (an assumed bearing to match the plat of Mt. Comfort Industrial Park Section I, said plat thereof recorded in Plat Cabinet A, Slide 365 and 366 in the Office of the Recorder of Hancock County, Indiana) along the East Line of said Southeast Quarter, a distance of 300.11 feet to the POINT OF BEGINNING; thence continue North 00 degrees 00 minutes 00 seconds East along said East Line, a distance of 1306.67 feet; thence North 88 degrees 04 minutes 33 seconds West parallel with the north line of said Quarter, a distance of 826.00 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the East Line of said Quarter, a distance of 655.85 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 100.54 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 98.64 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 253.94 feet to the beginning of a 70.00 radius curve, the radius point of which bears North 31 degrees 00 minutes 10 seconds East; thence Southeasterly along said curve, a distance of 6.87 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 457.71 feet; thence South 90 degrees 00 minutes 00 seconds West a distance of 360.54 feet; thence South 00 degrees 00 minutes 00 seconds West parallel with the East Line of said Quarter, a distance of 294.08 feet to the northwest corner of said Mt. Comfort Industrial Park Section I; thence South 88 degrees 28 minutes 31 seconds East along the north line of said Mt. Comfort Industrial Park Section I, a distance of 825.83 feet to the point of beginning and containing 21.228 acres more or less.

routed aluminum faces backed with acrylic text/logo, internally illuminated, clear anodized finish

PRECEDENT

MT COMFORT CENTER

sprayed concrete finish (EFIS/Dryvit textured finish)

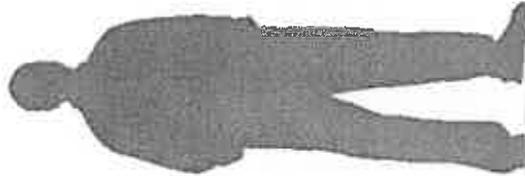
changeable white acrylic tenant panels (two 48" x 93" panels divided with applied vinyl lines) internally illuminated.

sides sprayed to match concrete finish (EFIS/Dryvit textured finish)

sprayed concrete finish (EFIS/Dryvit textured finish)

non illuminated applied PVC painted text (any color)

151"



106"

*Sign is 12" deep, double sided

EXHIBIT B

Project:
Date:
Version:

This design, detail, and price represented herein are the property of ACS Sign Systems specifically developed for your proposed use in connection with the project being planned for you by ACS Sign Systems. They are not to be shown to anyone outside of your organization, not to be used, reproduced, exhibited, or copied in any fashion whatsoever without the permission of ACS Sign Systems. All designs (except registered trademarks) remain the property of ACS Sign Systems.

ACS
SIGN SYSTEMS

1110 East 22nd Street
Indianapolis, In 46202
acs@acssigns.com
317.925.2886 voice
317.925.4387 fax
317.201.4888 cell

OFFICE/FLEX SIGN CRITERIA

PURPOSE: The purpose of these sign requirements is to assure sign continuity and uniformity throughout the Building. It is essential that the signage compliment the architectural design of the Building and that the aesthetics of the Building be maintained at all times. All signs must be approved, in writing, by Landlord or its representative. Landlord agrees that it will enforce this provision uniformly amongst all the tenants in the Building; however, Landlord cannot guarantee uniformity of enforcement by third parties.

GENERAL: All signs must consist of individual letter components constructed and installed as described within the following criteria:

- Tenant shall be responsible for the fulfillment of all requirements and specifications, including those of the applicable local governing agency and/or codes, and obtaining all necessary sign permits.

- Tenant shall be responsible for the installation and maintenance of their sign. Should Tenant's sign require maintenance or repair, Landlord shall give Tenant thirty (30) days written notice to effect said maintenance or repair. Should tenant fail to do same, Landlord shall have the right to undertake repairs and Tenant shall reimburse Landlord.

- Wording of signs shall not include the trade name of products sold or the price of items sold except as a part of the occupant's trade name or insignia. Use of generic terms will be reviewed on an individual basis.

DESIGN: Tenants' sign letter style is unrestricted but is subject to approval by Landlord or its representative. The letter faces are to be at least .118" thickness and the overall depth shall not exceed 5" thickness. Logo construction, and installation must be consistent with the letter components. The face color must be consistent with the overall Building design and shall be subject to Landlord's review. Layouts must be submitted to Landlord for written approval prior to sign construction. Drawings must include copy, size, colors, placement and a cross section detailing the installation. Upon approval, a permit application must be filed, by Tenant, with the Hancock County Planning Department. A copy of the approved permit must be returned to Landlord prior to sign installation.

No Tenant's sign of any sort shall be permitted on the Building roof. The maximum number of signs per occupancy shall be one, unless Tenant occupies corner locations or design of Building is such that two signs are applicable, then they will be reviewed on an individual basis.

CONSTRUCTION: Letter and logo components are to be constructed up to 5" deep with aluminum channels with a duronodic dark bronze or black baked enamel finish. The faces are to be attached with 1" deep, duronodic extruded plastic trim cap chemically adhered to the edges of the faces and mechanically fastened to the returns, with stainless steel screw heads painted to match cap color. Each letter shall have weep holes at the bottom to allow proper drainage.

- LIGHTING:** The signs may be illuminated or non illuminated. Illumination is to be by neon tubing mounted within the channels
- INSTALLATION:** All letters, logos and signage components are to be mounted on raceways. The raceways are to be centered vertically behind the copy, and are to be constructed of 7" X 7" break formed aluminum. Mounting brackets are to be non-visible. Raceways are to be finished in a color to be specified by Landlord.
- SIZE:** Signs located on the façade areas shall not exceed a 20" letter height and 30" logo height.
- PLACEMENT:** No sign length can exceed 75% of the leased frontage. No part of the sign may be closer than 6" to the top or bottom of the designated sign band as defined by the Landlord. Signs must be centered vertically above the tenant's space. The horizontal center of the sign must be installed on the horizontal centerline of the designated sign band as determined by the Landlord, and must be illustrated on the sign drawing submitted for approval. Landlord reserves the right to adjust placement to ensure architectural compatibility with the façade.
- All conductors, transformers, and other equipment shall be concealed.
- Electrical service to all signs shall be on occupant's meters and shall be part of Tenant's construction and operation costs.
- All bolts, fastenings, clips, etc. shall be painted to match sign mounting surface.
- No sign maker's label or other identification will be permitted on the exposed surface of sign, except for those required by local ordinance which shall be placed in an inconspicuous location.
- All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition.
- Sign contractor shall repair any damage to any work caused by his work. Damage to structure that is not repaired by sign contractor shall become the occupant's responsibility to correct.
- Tenant shall be fully responsible for the operation of Tenant's sign contractor and shall indemnify, defend, and hold the parties harmless from damages or liabilities on account thereof.
- REMOVAL:** Upon Lease termination, the Tenant is responsible for the removal of the sign and repair to the wall from the installation and use of the sign to the condition of the wall prior to the Tenant's installation of its sign.
- GUARANTEE:** Sign Company shall carry workman's compensation and public liability insurance against all damage suffered or done to and all persons and/or property while engaged in the construction or erection of signs in the amount of up to \$1,000,000.00 per occurrence. Landlord reserves the right to hire an independent electrical engineer (at Tenant's sole expense) to inspect the installation of all Tenant signs and to require the Tenant to have any discrepancies and/or code violations corrected at the Tenant's expense.

RETAIL SIGN CRITERIA

PURPOSE:

The purpose of these sign requirements is to assure sign continuity and uniformity throughout the Building. It is essential that the signage compliment the architectural design of the Building and that the aesthetics of the Building be maintained at all times. All signs must be approved, in writing, by Landlord or its representative. Landlord agrees that it will enforce this provision uniformly amongst all the tenants in the Building; however, Landlord cannot guarantee uniformity of enforcement by third parties.

GENERAL:

All signs must consist of Internally illuminated or non-illuminated, individual letter components constructed and installed as described within the following criteria:

- Tenant shall be responsible for the fulfillment of all requirements and specifications, including those of the applicable local governing agency and/or codes, and obtaining all necessary sign permits.
- Tenant shall be responsible for the installation and maintenance of their sign. Should Tenant's sign require maintenance or repair, Landlord shall give Tenant thirty (30) days written notice to effect said maintenance or repair. Should tenant fail to do same, Landlord shall have the right to undertake repairs and Tenant shall reimburse Landlord.
- Wording of signs shall not include the trade name of products sold or the price of items sold except as a part of the occupant's trade name or insignia. Use of generic terms will be reviewed on an individual basis.

DESIGN:

Tenants' sign letter style is unrestricted but is subject to approval by Landlord or its representative. The letter faces are to be at least .118" thickness and the overall depth shall not exceed 5" thickness. Logo construction, lighting, and installation must be consistent with the letter components. The face color must be consistent with the overall Building design and shall be subject to Landlord's review. Layouts must be submitted to Landlord for written approval prior to sign construction. Drawings must include copy, size, colors, placement and a cross section detailing the installation. Upon approval, a permit application must be filed, by Tenant, with the Hancock County Planning Department. A copy of the approved permit must be returned to Landlord prior to sign installation.

No Tenant's sign of any sort shall be permitted on the Building roof. The maximum number of signs per occupancy shall be one, unless Tenant occupies corner locations or design of Building is such that two signs are applicable, then they will be reviewed on an individual basis.

CONSTRUCTION:

Letter and logo components are to be constructed up to 5" deep with aluminum channels with a duromodic dark bronze or black baked enamel finish. The faces are to be attached with 1" deep, duromodic extruded plastic trim cap chemically adhered to the edges of the faces and mechanically fastened to the returns, with stainless steel screw heads painted to match cap color. Each letter shall have weep holes at the bottom to allow proper drainage.

LIGHTING: Illumination is to be by neon tubing mounted within the channels.

INSTALLATION: All letters, logos and signage components are to be mounted on raceways. The raceways are to be centered vertically behind the copy, and are to be constructed of 7" X 7" break formed aluminum. Mounting brackets are to be non-visible. Raceways are to be finished in a color to be specified by Landlord.

SIZE: Signs located on the façade areas shall not exceed a 24" letter height and 36" logo height.

PLACEMENT: No sign length can exceed 75% of the leased frontage. No part of the sign may be closer than 6" to the top or bottom of the designated sign band as defined by the Landlord. Signs must be centered vertically above the tenant's space. The horizontal center of the sign must be installed on the horizontal centerline of the designated sign band as determined by the Landlord, and must be illustrated on the sign drawing submitted for approval. Landlord reserves the right to adjust placement to ensure architectural compatibility with the façade.

All conductors, transformers, and other equipment shall be concealed.

Electrical service to all signs shall be on occupant's meters and shall be part of Tenant's construction and operation costs.

All bolts, fastenings, clips, etc. shall be painted to match sign mounting surface.

No sign maker's label or other identification will be permitted on the exposed surface of sign, except for those required by local ordinance which shall be placed in an inconspicuous location.

All penetrations of the building structure required for sign installation shall be neatly sealed in a watertight condition.

Sign contractor shall repair any damage to any work caused by his work. Damage to structure that is not repaired by sign contractor shall become the occupant's responsibility to correct.

Tenant shall be fully responsible for the operation of Tenant's sign contractor and shall indemnify, defend, and hold the parties harmless from damages or liabilities on account thereof.

REMOVAL: Upon Lease termination, the Tenant is responsible for the removal of the sign and repair to the wall from the installation and use of the sign to the condition of the wall prior to the Tenant's installation of its sign.

GUARANTEE: Sign Company shall carry workman's compensation and public liability insurance against all damage suffered or done to and all persons and/or property while engaged in the construction or erection of signs in the amount of up to \$1,000,000.00 per occurrence. Landlord reserves the right to hire an independent electrical engineer (at Tenant's sole expense) to inspect the installation of all Tenant signs and to require the Tenant to have any discrepancies and/or code violations corrected at the Tenant's expense.

9339

CLIFTON GUNDERSON LLP
PRECEDENT CAPITAL LLC
PRECEDENT RESIDENTIAL DEVELOPMENT, LLC
PRECEDENT COMMERCIAL DEVELOPMENT, LLC
WESTERN HANCOCK UTILITIES, LLC
BLOOMFIELD STATE BANK
HEALTHX
HOOSIER TRUST COMPANY

THE PRECEDENT, LLC
STILLER MECHANICAL, INC
ENHANCED COMMUNICATIONS NETWORK, LLC
LANDMARK CONSTRUCTION, LLC
PRECEDENT REAL ESTATE SERVICES, LLC
CHURCH DEVELOPMENT FUND, INC
PLANNED INVESTMENT CO., INC
GENEVA CAPITAL

Description

The classic lines and sophisticated construction of the Vision Site luminaire makes it an ideal complement to site design. The combination of smooth contours and sharp rear reveals allow the fixture to change character from different viewing angles while providing excellent low-glare photometrics. U.L. listed and CSA certified for wet locations.

Catalog #	Type
Project	
Comments	Date
Prepared By	

SPECIFICATION FEATURES

A ... Housing

One-piece, die-cast aluminum housing maintains a nominal 0.125" wall thickness. Integral reveal channels along top surface of housing promote heat extraction and prolonged electrical component life. Solid cast wall separates optical chamber from electrical area.

B ... Electrical Tray

Balast and related electrical componentry are mounted to a reinforced one piece galvanized steel tray with integral handle. For ease of maintenance, tray hinges open via toolless release of one spring loaded latch. Electrical quick disconnects allow tray to be completely removed from housing providing ample hand and tool room for attachment of fixture during installation, and a safer servicing environment. Optional tray mounted fuse connections offer a distinct and easy to maintain alternative to common inline fuse connections.

C ... Door

One-piece die-cast aluminum door frame. Door frame opens via release of two flush mounted toolless latches. Tempered 1/8" thick clear glass lens seals to door with a weather-tight continuous gasket. Optical chamber is sealed against entry of dirt and moisture by a continuous door mounted gasket which firmly compresses against optical enclosure walls.

D ... Lens

Impact resistant 1/8" thick tempered clear flat glass.

E ... Optical Systems

Choice of five (5) efficiency segmented optical systems constructed of premium 95% reflective anodized aluminum sheet. Optical segments are rigidly mounted inside a thick gauge aluminum housing for superior protection. All segment faces are clean of rivet heads, tabs, or other means of attachment which may cause streaking in the light distribution. Optional high efficiency hydroformed reflectors available in VXM housing only in four (4) distributions patterns. All reflector modules feature toolless removal, quick disconnect wiring plugs, and are field rotatable in 90 degree increments. HID lamp sources in medium housing (VXM) optics feature mogul-base lampholders.

F ... Arm

One-piece extruded rectangular arm available in standard 6" and 10" lengths. Internal bolt guides allow easy positioning of fixture during installation to pole or wall surface.

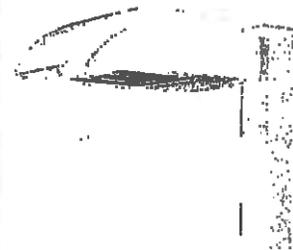
G ... Suspension Mount

Die-cast aluminum cleat factory mounted to luminaire and finished in luminaire color. Stainless steel structural rod measures 1/2" in diameter and is provided in luminaire finish color or optional natural finish. Product works in conjunction with accessory 10" arms. INVUE poles provided pre-drilled for suspension mount option. See INVUE pole brochure for a complete selection of matching poles.

H ... Finish

Housing and arm finished in a 5 stage premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Standard colors include black, bronze, grey, white, dark platinum, and graphite metallic. RAL and custom color matches available. Consult your INVUE Lighting Systems Representative for more information.

Item 1



VXM VISION SITE MEDIUM

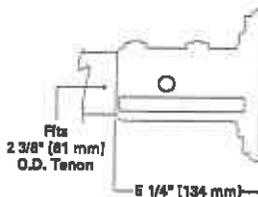
85-400W

Metal Halide
Pulse Start Metal Halide
High Pressure Sodium
Compact Fluorescent
Electroless Fluorescent

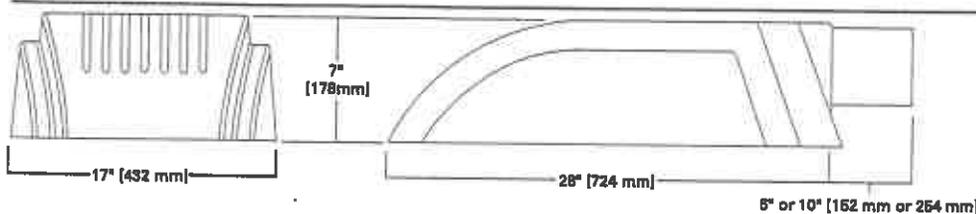
ARCHITECTURAL
AREA LUMINAIRE

MOUNTING OPTIONS

MAST ARM ADAPTER



DIMENSIONS



Wattage Table

	VXM
Metal Halide	175, 250, 400W
Pulse Start Metal Halide	250, 320, 350, 400W
High Pressure Sodium	150, 250, 400W
Compact Fluorescent	(2) 57, (2) 70W
Electroless Fluorescent	85W

Certifications

3B Vibration Tested		
IP64 Rated	U.L. 1608 Listed	FCO Full Cutoff
CSA Listed	40°C Ambient ISO 9001	

DARK SKY **FCO**
COMPLIANT Full Cutoff

Shipping DATA (approx.)
Net Weight (lbs.): 51
Volume (cu. ft): 9.18